

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

)	Chapter 11
)	
In re:)	Case No. 00-1982 (GMS)
)	
GST TELECOM INC., <u>et al.</u>,)	Jointly Administered
)	
Debtors.)	
)	
<hr/>)	
)	
GST TELECOM INC., <u>et al.</u>,)	
)	Adv. Pro. No. 04-55890 (GMS)
Counterplaintiffs,)	
)	Civil Action No.: 04-CV-1380
v.)	
)	
JOHN WARTA,)	
)	
Counterdefendant.)	

**AFFIDAVIT OF DANIEL L. KEPPLER IN SUPPORT OF JOHN WARTA'S
MOTION FOR PARTIAL SUMMARY JUDGMENT REGARDING COUNTS I-IV
OF GST'S AMENDED COUNTERCLAIM**

[illegible]

I, Daniel L. Keppler, being first duly sworn, depose and say as follows:

1. I am one of the attorneys representing counterdefendant John Warta in the above-captioned matter. I make this affidavit in support of John Warta's Motion for Partial Summary Judgment Regarding Counts I-IV of GST's Amended Counterclaim.

2. Attached and marked as exhibit A is a copy of excerpts from the transcript from the conference held by the court in this case on October 7, 2004.

3. Attached and marked as exhibit B are copies of excerpts from the transcript of the deposition of John Warta taken in this case.

4. Attached and marked is a copy of exhibit 5 to the deposition of John Warta taken in this case, which contains excerpts of the minutes of the meeting of the finance committee of GST Telecommunications, Inc., dated August 1, 1996.

5. Attached and marked is a copy of exhibit 7 to the deposition of John Warta taken in this case, which contains excerpts of the minutes of a special meeting of the board of directors of GST Telecommunications, Inc., dated September 16 –17, 1996.

6. Attached and marked as exhibit C is a copy containing excerpts of the minutes of a special meeting of the board of directors of GST Telecommunications, Inc., dated January 14, 15, 16, 1997.

7. Attached and marked as exhibit D is a copy of excerpts of the Answer, Affirmative Defenses, Cross-Claims, and Third Party Claims of Defendant GST Telecommunications, Inc. and GST Telecom, Inc. in the case of *Corey K. Ford v. GST Telecommunications, Inc. et al.*, State of Oregon, County of Multnomah, Circuit Court Case No. 9902-01746.

8. Attached and marked as exhibit E is a copy of excerpts of the Defendants' Answer, Affirmative Defenses and Counterclaims in the case of *John Warta v. GST USA, Inc. et al.*, State of Washington, County of King, Superior Court Case No. 99-2-02287-4 SEA.

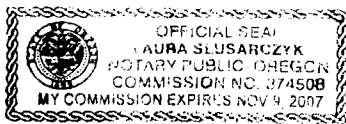
9. Attached and marked as exhibit F is a copy of excerpts of a Reseller Agreement, dated October 30, 1996, between Magnacom Wireless, L.L.C. and GST Telecom, Inc.

10. Attached and marked as exhibit G is a copy of the Declaration of Thomas D. Adams in Support of GST Defendants' Motion for Reinstatement in the case of *John Warta v. GST USA, Inc. et al.*, State of Washington, County of King, Superior Court Case No. 99-2-02287-4 SEA.

11. Attached and marked as exhibit H is a copy of the Order Granting GST Defendants' Motion for Reinstatement of Action in the case of *John Warta v. GST USA, Inc. et al.*, State of Washington, County of King, Superior Court Case No. 99-2-02287-4 SEA.


DANIEL L. KEPPLER

SUBSCRIBED AND SWORN to before me this 14th day of March, 2005.




Notary Public for Oregon